Serial No. 09/608,614 Docket No. NG(MS)7166

REMARKS

Claims 38-74 are currently pending in the subject application, and are presently under consideration. Claims 1-37 have been withdrawn from consideration. Claims 38-74 are rejected. Claims 38, 39, 45, 48, 52, 53, 62, 66, 68 have been amended. Claims 43 and 44 have been cancelled. Additionally, the Examiner has indicated that claim 37 is allowable with respect to claim 74 (page 12 of the Office Action). Applicant's representative believes that this is a typographical error and that claim 74 should be allowable. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

The applicant' representative appreciates the time that the Examiner took for the telephone interview of July 30, 2004. Although, the applicant's representative provided the Examiner with several issues in the "Applicant Initiated Interview Request Form" regarding not only the independent claims but several of the dependent claims, the Examiner only agreed to discuss claim 38. The Examiner's position was that claim 38 was too broad. Applicant's representative argued that the use of an MDP database table with parameters for initiating transmitting and receiving processors for a MDP transmission session recited in claim 38 was not disclosed in the reference and therefore, the rejection under 35 U.S.C. §102 should be withdrawn. The Examiner asserted that claim 38 was too broad and that applicant's representative should provide details of the particular parameters in the MDP database table and their associated uses. The Examiner also asserted that some of the dependent claims may be allowable, but would not address them specifically in the teleconference interview.

I. Rejection of Claims 38-74 Under 35 U.S.C. §102

Claims 38-74 stand rejected under 35 U.S.C. §102 as being anticipated by Macker, et al. (Macker). Withdrawal of this rejection is respectfully requested for at least the following reasons.

The claims in the present application include features that can be employed to fine tune an MDP network to provide an optimum level of performance, and to mitigate unnecessary traffic associated with an MDP network. These features are not taught or disclosed by Macker.

Claim 38 has been amended include the elements recited in cancelled claims 43 and 44. In particular, claim 38 has been amended to recite wherein the plurality of parameters read by the MDP initialization module of the at least one transmitting network processor comprise an initial GRTT value, a recovery cycle, a server compensation factor, a block size, and a segment size, the MDP operations module of the at least one transmitting network processor computes a squelch time of the at least one transmitting network processor based on the recovery cycle, the initial GRTT value, the compensation factor, the block size, and a segment size, the at least one transmitting network processor server discontinuing attempting to repair messages when the squelch time expires. Similar elements are recited in claims 57 and 58.

Claim 38 as amended recites a system in which initial parameter values are extracted from a database table to determine a maximum period for a transmitting network processor server from continuously transmitting repair messages. By providing these parameters in a database table, a programmer can modify these parameters without modifying the program code associated with the system to provide optimal performance upon initiating of an MDP session. Macker does not disclose the use of an initial greatest round trip time (GRTT) value in addition to a server compensation factor. In conventional MDP, a GRTT value can only be determined by a GRTT probe. The GRTT probe is constantly executing to determine the GRTT based on the current bandwidth or traffic of a system.

Claim 39 as amended recites the system of claim 38 further comprising the MDP initialization module of the at least one transmitting processor activates GRTT probing upon initialization and stops GRTT probing when the squelch time expires. Amended claim 53 includes similar elements. Several of the claims recite the activation of GRTT probing during initialization (claims 39, 53), and the turning off of GRTT probing after completion of an MDP session (claims 39, 46, 53, 60). Macker does not disclose the ability to turn on GRTT probing during an MDP session and turning off GRTT probing after an MDP session. This feature mitigates traffic over the network caused by constant GRTT probing.

Claim 52 has been amended to recite that the information packet includes an emission control setting field for each of the plurality of receiving network processors designated in the

information packet, the emission control setting field defining a receiving network processor as one of an action client and an info client, wherein action clients send a negative acknowledgment when a message is received with missing elements and an info client passively receives messages and does not send a negative acknowledgment when a message is received with missing elements.

Claim 66 has been amended to recite passively receiving the multicast message when the at least one receiving network processor determines that data in the multicast message is missing and when the at least one of the receiving network processor which read the parameters was designated as an info entity within a field contained with in the MDP information packet.

Additionally, amended claims 48 and 62 recite that the MDP operations module of the plurality of receiving network processors do not send a negative acknowledgment when a message is received with missing elements when a field in the MDP information packet indicates that the receiving network processor on which the MDP operations module executes is an info client.

Macker does not disclose a field in the information packet associated with a given message that determines whether a given recipient of a plurality of receiving network processors are one of an action client and an info client. Furthermore, Macker does not disclose that action clients respond with a negative acknowledgment when a message is received with missing elements, while the info clients do not respond with a negative acknowledgment when a message is received with missing elements. This allows customizing which receiving processor are action clients and which receiving processor are info clients for each message transmitted from a given transmitting processor. By defining certain recipients as info clients, the need to send a negative acknowledgment for missing parts of a message for those recipients and subsequent repair messages transmitted by the transmitting processor is eliminated, while those recipients defined as action clients can operates as normal MDP clients by transmitting negative acknowledgment for missing parts of a message, thus receiving subsequent repair messages. Thus, necessary bandwidth associated with a given MDP message and subsequent repair messages is reduced.

Additionally, claim 74 recites that the squelch time is computed as equal to $N*T_{rc}*B*F_C$, where T_{rc} is 5*GRTT, N is a recovery cycles, F_C is a compensation factor, and B is a block size based on a number of blocks in the message times a segment size. The Examiner has indicated that this claim should be allowable on page 12 of the office action.

For the reasons described above, Macker does not disclose each and every element recited in claims 38, 39, 46, 48, 52, 53, 57, 58, 60, 62 and 74. Additionally, claims 39-42, 45-51, claims 53-65, and claims 67-74 depend directly or indirectly from independent claims 38, 52 and 66, respectively. Therefore, claims 39-42, 45-51, claims 53-65, and claims 67-74 are not anticipated by Macker.

For the reasons described above, claims 38-74 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 12 August 2004

Christopher P. Harris
Registration No. 43,660

CUSTOMER NO.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
526 SUPERIOR AVENUE, SUITE 1111
CLEVELAND, OHIO 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072